HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 191(S/S)2005

Lila Dhar Mishra S/o Sri Purshottam Mishra,
Assistant Development Officer (Panchat),
Office of DPRO, Udham Singh Nagar, ...Petitioner.

Vs.

1. State of Uttaranchal through its Secretary,
Panchayati Raj, Uttaranchal, Dehradun,
2.District Panchayat Raj Officer,
District Udham Singh Nagar, Rudrapur,
3. Block Development Officer,
Block Jaspur, Udham Singh Nagar. ....Respondents.

Sri B.D. Upadhyay, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri B.D. Upadhyay, learned counsel for the petitioner and learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus directing the respondent no.2 to pass order on the representation of the petitioner dated 15.02.2005 and give posting to him as Assistant Development Officer (Panchayat) in Block Jaspur or any Block of the district, except Block Bazpur.

The petitioner who was working as Assistant Development Officer, Bazpur got some threatening when he was conducting election of the Kelakhera Co-operative Samiti Ltd. Kelakhera district Udham Singh in the capacity of chief Election Officer. The petitioner made representation to the authority concerned to transfer him from Bazpur consequently, taking in to consideration the representation , the authority has transferred the petitioner to Jaspur vide its order dated 18th November 2004. The petitioner joined his duties at Jaspur on 19.11.2004. However, in the meantime vide order dated 27th November 2004 passed by District Panchayat Raj Officer, the order of transfer, by which the petitioner was transferred from Bazpur to Jaspur, was kept in abeyance, on the request of the

person on whose place the petitioner was transferred to Jaspur the petitioner was attached to the Office of District Panchayat Raj Officer, Udham Singh Nagar vide order date 17th December 2004.

Contention of the petitioner is that the order by which he was transferred to Jaspur was kept in abeyance by the authority for a limited period and the cause for which the transfer order was kept in abeyance has already been completed, consequently he should be permitted to join at Jaspur and in case, it is not possible to permit him joining at Jaspur, he may be transferred anywhere in the district, except at Bazpur where he was threatened.

The petitioner has already made representation to the District Panchayat Raj Officer, Udham Singh Nagar raising his grievances which is still pending before him. Learned Standing Counsel for the State was earlier granted time to seek instructions, however no instructions are received by him till date.

In the circumstances, it is just and proper to issue directions to the District Panchayat Raj Officer, Udham Singh Nagar in relation to the petitioner's representation pending before him. Accordingly, the District Panchayat Raj Officer, Udham Singh Nagar is directed to take decision on the representation of the petitioner dated 15-02-2005 within a period of two weeks from the date of receipt of a certified copy of this order and while taking decision on the representation, the District Panchayat Raj Officer will take in the account the threat, which the petitioner has received at Bazpur.

With these observations, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

March 11, 2005:
NCM: